

## **FACTSHEET**

**SPONSOR:** Planning Department

**TITLE:** **USE PERMIT NO. 06004, Yankee Ridge Commercial Center**, requested by Southview, Inc. and Ridge Development Company, for authority to develop at 224,000 sq. ft. commercial center, on property generally located northwest of the intersection of South 40<sup>th</sup> Street and Yankee Hill Road.

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 04/26/06  
Administrative Action: 04/26/06

**RECOMMENDATION:** Conditional Approval, with amendments (7-1: Esseks, Carroll, Larson, Strand, Cornelius, Taylor and Krieser voting 'yes'; Carlson voting 'no'; Sunderman absent).

**STAFF RECOMMENDATION:** Conditional Approval

### **FINDINGS OF FACT:**

1. The approval of this proposed use permit would allow the development of 224,000 square feet of commercial floor area, with an adjustment to the sign requirements to allow individual pad signs to be located more than 30 feet from the building.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.4-7, concluding that the zoning on this site was changed to B-2 at the same time the Pine Lake Heights South 4<sup>th</sup> preliminary plat was approved in 2002. The site plan shows 224,000 square feet of commercial floor area, with 174,000 square feet of it dedicated to one anchor tenant. Neither the Comprehensive Plan nor Zoning Ordinance specify maximum floor area limits for individual stores, only for the total amount of floor area in the center. Of the two requested modifications, the first relating to setbacks is actually not required due to the configuration of the site. The modification to allow identification signs more than 30' from a building have been routinely granted by the City in the past, and is also appropriate in this case. The center layout shown is consistent with a neighborhood center as described in the Comprehensive Plan. Subject to the recommended conditions of approval, this request complies with the requirements of the Zoning Ordinance and is consistent with the Comprehensive Plan.
3. The applicant's testimony is found on p.11-13, including a request to delete Condition #2.1.1.12 and to amend Condition #2.1.1.13. Other testimony in support is found on p.14.
4. Testimony in opposition on behalf of the Sterling Hills Homeowners Association is found on p.14-15, with concerns about additional traffic, safety, environmental issues with fast food restaurants and impact on property values with a high volume "big box" store in the area. (Also See letter in opposition on p.38).
5. Testimony in a neutral position on behalf of the Country Acres homeowners is found on p.15, including concerns about the lighting and light polluting.
6. The applicant's response to the opposition is found on p.16.
7. On April 26, 2006, the majority of the Planning Commission agreed with the staff recommendation and voted 7-1 to recommend conditional approval, with the amendments requested by the applicant (Carlson dissenting; Sunderman absent). Commissioner Carlson did not believe that the inclusion of a "big box" meets the intent of a neighborhood center because it draws from a larger area than the one square mile.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** May 1, 2006

**REVIEWED BY:** \_\_\_\_\_

**DATE:** May 1, 2006

**REFERENCE NUMBER:** FS\CC\2006\UP.06004

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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for April 26, 2006 PLANNING COMMISSION MEETING

**\*\*As Revised and Recommended for Conditional Approval  
by Planning Commission: April 26, 2006\*\***

**PROJECT #:** Use Permit #06004 - Yankee Ridge Commercial Center

**PROPOSAL:** A 224,000 square foot commercial center including retail, bank with drive-through, general commercial and restaurants.

**LOCATION:** Northwest of the intersection South 40<sup>th</sup> Street and Yankee Hill Road.

**LAND AREA:** 20.58 acres more or less.

**EXISTING ZONING:** B-2 Planned Neighborhood Business

**WAIVER REQUEST/  
MODIFICATION:**

1. Adjust yard setbacks to 0' for Lots 1-6.
2. Allow signs for individual pad sites to be located more than 30' from the building.

**CONCLUSION:** The zoning on this site was changed to B-2 at the same time the Pine Lake Heights South 4<sup>th</sup> preliminary plat was approved in 2002. The site plan shows 224,000 square feet of commercial floor area, with 174,000 square feet of it dedicated to one anchor tenant. Neither the Comprehensive Plan nor Zoning Ordinance specify maximum floor area limits for individual stores, only for the total amount of floor area in the center. Of the two requested modifications, the first relating to setbacks is actually not required due to the configuration of the site. The modification to allow identification signs more than 30' from a building have been routinely granted by the City in the past, and is also appropriate in this case. The center layout shown is consistent with a neighborhood center as described in the Comprehensive Plan. Subject to the recommended conditions of approval, this request complies with the requirements of the Zoning Ordinance and is consistent with the Comprehensive Plan.

<b>RECOMMENDATION:</b>	Conditional Approval
Waivers/modifications:	
1. Adjust internal yard setbacks to 0' for Lots 1-6.	Not Required
2. Allow signs for individual pad sites to be located more than 30' from the building.	Approval

### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See attached legal description.

**EXISTING LAND USE:** Vacant and undeveloped.

### **SURROUNDING LAND USE AND ZONING:**

North:	Single-family, townhouse residential	R-3, O-3
South:	Agriculture (Wilderness Hills 1 <sup>st</sup> Addition preliminary plat has been submitted and is under review showing single-family residential adjacent to this site)	AG
East:	Golf Course	AG
West:	Townhouse residential	R-4

### **HISTORY:**

**April 5, 2002** - PP#00029 and CZ#3298 Pine Lake Heights South 4<sup>th</sup> preliminary plat #PP#00029 and CZ#3298 were approved. This preliminary plat included commercial centers near the intersections of both South 27<sup>th</sup> Street and Yankee Hill Road, and South 40<sup>th</sup> Street and Yankee Hill Road, and R-3 and R-4 areas for residential development. The change of zone revised the zoning pattern previously approved with CZ#3105.

**February 3, 1999** - ANNEX #98005 was approved and included the land in the preliminary plat, along with approximately 450 acres of land southwest of the intersection of South 27<sup>th</sup> Street and Yankee Hill. An annexation agreement was also approved and subsequently amended

**September 1, 2000.**

**February, 1999** - Comprehensive plan amendment CPA #94-31 approved the S1/S2 Sub-area Plan.

### **COMPREHENSIVE PLAN SPECIFICATIONS:**

**Page F25** - This site is designated for commercial land uses on the Land Use Plan.

**Page F27** - Urban Growth Tiers - This site is within the City's Future Service Limit.

**Page F38** - General Principles for all Commercial and Industrial Uses - Commercial and industrial districts in Lancaster County shall be located:

- within the City of Lincoln or incorporated villages;
- outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning);
- where urban services and infrastructure are available or planned for in the near term
- in sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan;
- in areas compatible with existing or planned residential uses;
- in areas accessible by various modes of transportation (i.e. automobile, transit and pedestrian).

**Page F41** - Existing and Proposed Commerce Centers

Designates a neighborhood center northwest of South 40<sup>th</sup> Street and Yankee Hill Road.

**Page F47** - Neighborhood Centers

Center Size - Neighborhood Centers typically range in size from 150,000 to 250,000 square feet of commercial space. Existing centers may vary in size from 50,000 to 300,000 square feet.

Description - Neighborhood centers provide services and retail goods oriented to the neighborhood level, such as Lenox Village at S. 70th and Pioneers Boulevard, and Coddington Park Center at West A and Coddington. These smaller centers will not include manufacturing uses.

**Page F87** - Transportation Planning Principles

- A Balanced Transportation System - The concept of balance also applies to methods of transportation. While the system must function well for motor vehicles, it should also establish public transportation, bicycling, and walking as realistic alternatives now and into the future.

**Page F91** - Other Areas

- All areas of the community should have safe, secure and reasonably direct pedestrian connections. Activities of daily living should be available within walking distance. Neighborhoods should include homes, stores, workplaces, schools, and places to recreate. Interconnecting streets, trails, and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, and conserve energy.

**UTILITIES:** All utilities are present to serve this site.

**TRAFFIC ANALYSIS:** This property is adjacent to South 40<sup>th</sup> Street and Yankee Hill Road, both arterial streets. South 40<sup>th</sup> Street was recently improved to urban standards from approximately San Mateo Lane to Yankee Hill Road, and Yankee Hill Road is under construction and being improved between South 27<sup>th</sup> and South 40<sup>th</sup> Streets.

Improvements to the surrounding arterial street system were identified in previous traffic studies which anticipated commercial development at both the South 27<sup>th</sup> and South 40<sup>th</sup> Streets and Yankee Hill intersections. The most recent traffic study for the area was submitted with UP#149 for Stone Ridge Estates, located northwest of South 27<sup>th</sup> Street and Yankee Hill Road. In their review, Public Works indicates that the trip cap analysis provided with this request shows an additional 300 trips being generated by this development when compared to the most recently submitted traffic study for this area.

## **ANALYSIS:**

1. B-2 zoning was approved for this site in 2002, and an approved use permit is required prior

to development. The Planning Commission does not have approval authority for the requested adjustments to setbacks and sign requirements, so the request must be considered by the City Council.

2. The site plan shows 224,000 square feet of commercial floor area, with 174,000 square feet dedicated to one anchor tenant. The proposed uses include retail, bank with drive-through, general commercial and restaurants. The Comprehensive Plan designates commercial uses for this site along with the O-3 adjacent to the north which was recently approved for townhouses. It also designates a neighborhood center at this location. The proposed uses and building floor areas comply with the neighborhood center land use designation in the Comprehensive Plan. Recently the Planning Commission discussed floor area limits for anchor tenants in commercial centers, however none have been adopted at this time.
3. While there is no standard established in the Comprehensive Plan or Zoning Ordinance on the maximum size of an individual user, this administration established an "interim" policy through the evaluation of the proposed neighborhood center at North 84<sup>th</sup> and Adams Streets. The policy is: The size of any user or building should not exceed 175,000 square feet, including any year-around outdoor open sales or display area. This would be an appropriate condition in the use permit for this neighborhood center.

As the Planning Commission deliberates in the future on necessary ingredients to achieve a good neighborhood center, this proposed plan is instructive in other ways than the size of the anchor tenant. While it provides sidewalk connections, the arrangement of the buildings, parking areas, and loading areas hardly qualifies as "pedestrian friendly." Buildings could be clustered to create defined open spaces with views terminated by buildings and walkways punctuated with plaza areas. Large wall areas of big box stores could be lined with individual store fronts for small businesses. Loading areas could be better screened by being sandwiched between buildings.

4. Adjustments to setbacks and to allow signs to be located more than 30' away from buildings are requested. The site plan shows six individual lots, each with frontage to a public street. Perimeter setbacks of 20' along South 40<sup>th</sup> Street and along Yankee, and 50' along South 37<sup>th</sup> Street and Grainger Parkway are shown. The only applicable setback in this case is a 20' front yard, and the perimeter setback shown meets or exceeds it so no setback adjustment is required.

The sign regulations for the B-2 district require the individual pad site identification signs to be located within 30' of the building they serve. As proposed, some signs would need to be located very close to the building due to the parking lot layout. Granting this adjustment does not allow any more signs or sign area, and the impact would not be significant if granted.

Beyond the requested modification to locate identification signs more than 30' from a building, there are no other adjustments and signs are to be installed per the requirements of the Zoning Ordinance and Sign Code. As a result, the two signs identified as "Anchor Store Sign" are unnecessary and may cause confusion if left on the site plan.

5. The trip cap analysis submitted with the application indicates an additional 300 P.M. peak hour trips being generated by this development compared to the most recent traffic study for

this area. A revised traffic study must be provided so the impact of the additional trips can be evaluated. A revised study may indicate additional needed improvements in Grainger Parkway, South 37<sup>th</sup> and South 40<sup>th</sup> Streets, and Yankee Hill Road. Any additional improvements required as a result of the increase in trip generation and attributable to this development, including either new turn lanes or expanding existing turn lanes, will be the responsibility of the developer.

6. Access to the site is provided by driveways onto adjacent public streets, and no new public streets or private roadways are shown. Internal access is provided by a system of private drives over public access easements. It is important that the proposed driveways align with existing streets or drives to minimize traffic conflicts. It is not clear if the drive onto South 37<sup>th</sup> Street aligns with the drive to the west entering the Sterling Hills development. The plans must be revised to show the drive to the west and the proper drive alignment.

The drive onto South 40<sup>th</sup> Street is aligned with a parking lot median. This requires cars to immediately execute a turning movement upon entering the site, and does not provide any space for vehicle stacking for cars exiting the site. The drive should be moved slightly to align with a driving aisle through the parking lot.

7. This project is subject to the recently adopted Design Standards for Pedestrian Circulation in Commercial Areas. The proposed site plan provides good pedestrian access and most of the required sidewalks are shown. The plan also includes two sidewalks which are not required that extend through the parking lot to connect the anchor building to the sidewalk along South 40<sup>th</sup> Street. The additional needed sidewalks are: an extension of the sidewalk in the parking median north of the building on Lot 4 to the sidewalk connection to South 31<sup>st</sup> Street; a sidewalk along the west side of the drive between Lots 5 and 6 connecting the anchor store to the sidewalk along Yankee Hill Road, plus a sidewalk connection to the building on Lot 5; and an extension of the sidewalk along the south side of Lot 2 to the sidewalk in South 40<sup>th</sup> Street. The specific sizing and actual location of sidewalks must comply with Design Standards and will be reviewed at time of building permits.
8. This site is surrounded by residential uses to the north and west. The impact represented by a potentially large store should be mitigated to ensure compatibility with the less intensive surrounding uses. Limitations upon signs and lighting on the walls facing those areas should be included to maintain compatibility with the surrounding neighborhood.
9. A loading area is shown on the west side of the building and includes a vehicle parking area. A facility to allow vehicles to turn around and exit is required.
10. The Health Department notes the existence of a 12" high-pressure, underground natural gas pipeline south of this development. There are no requirements for regulating land uses adjacent to it, however the Health Department recommends the location be noted on the site plan to help serve notice to affected parties.
11. The Comprehensive Plan shows the bike trail system along Yankee Hill Road in this area. The sidewalk along Yankee Hill Road needs to be expanded to reflect a 10'-wide bike trail. An additional 6' of right-of-way must be dedicated to accommodate this wider sidewalk.

12. The site is platted as an outlot for future development. Prior to building permits, a final plat creating developable lots must be approved.
13. Other minor revisions to the site plan are required and are included in the conditions of approval.

### **CONDITIONS OF APPROVAL:**

#### **Site Specific Conditions:**

1. This approval permits 224,000 square feet of commercial floor area with an adjustment to the sign requirements to allow individual pad signs to be located more than 30' from the building.

#### **General Conditions:**

2. Before receiving building permits:
  - 2.1 The permittee shall complete the following instructions and submit the documents to the Planning Department for review and approval.
    - 2.1.1 A revised site plan including 5 copies showing the following:
      - 2.1.1.1 Any revisions required by Public Works and Utilities per the revised traffic study.
      - 2.1.1.2 A revised landscape plan showing: 1 - street trees deleted; 2 - a tree species other than Ponderosa Pine planted in mass per Parks and Recreation's review; 3 - a note that states "THE LANDSCAPING SHOWN ALONG SOUTH 37<sup>TH</sup> STREET AND GRAINGER PARKWAY REPRESENTS THE MINIMUM AMOUNT REQUIRED. ADDITIONAL LANDSCAPING MAY BE PLANTED, BUT THE REQUIRED AMOUNT SHALL NOT BE REDUCED BELOW WHAT IS SHOWN. ALL OTHER LANDSCAPING TO COMPLY WITH LINCOLN MUNICIPAL CODE TITLES 26 AND 27 AND THE CITY OF LINCOLN DESIGN STANDARDS AT THE TIME OF BUILDING PERMITS. STREET TREES TO BE SHOWN AT TIME OF FINAL PLAT."
      - 2.1.1.3 Add a General Note that states "INTERNAL PEDESTRIAN SIDEWALKS TO BE PROVIDED IN COMPLIANCE WITH THE CITY OF LINCOLN DESIGN STANDARDS AT THE TIME OF BUILDING PERMITS."
      - 2.1.1.4 Delete General Notes 15 and 23.

- 2.1.1.5 Delete the text and symbols indicating “Anchor Store Sign.”
- 2.1.1.6 Show the South 40<sup>th</sup> Street driveway aligned with parking aisles, and the South 37<sup>th</sup> Street driveway aligned to the satisfaction of Public Works and Utilities.
- 2.1.1.7 Revise General Note #22 to state “A COMMON ACCESS EASEMENT SHALL BE GRANTED OVER ALL DRIVES AND PARKING STALLS.”
- 2.1.1.8 Revise General Note #24 to state “NO BUILDING OR PARKING SHALL BE ALLOWED IN THE 50'-WIDE LANDSCAPE BUFFER ADJACENT TO SOUTH 37<sup>TH</sup> STREET OR GRAINGER PARKWAY.”
- 2.1.1.9 Delete waiver #1.
- 2.1.1.10 Show a vehicle turn-around in the loading area on the west side of the anchor building.
- 2.1.1.11 Show the location of the high-pressure gas line.
- ~~2.1.1.12 Show the bike trail along Yankee Hill Road and any required additional right-of-way. (**\*\*Per Planning Commission, at the request of the applicant and agreed upon by staff, 4/26/06\*\***)~~
- 2.1.1.13 Revise the last line of General Note #13 to state: “THE PARKING LOT AND BUILDING LAYOUT SHOWN IS CONCEPTUAL. THE ACTUAL LAYOUT WILL BE DETERMINED AT THE TIME OF BUILDING PERMIT AND SHALL CONFORM TO THE CITY OF LINCOLN ZONING ORDINANCE AND DESIGN STANDARDS. LANDSCAPING AND SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT WILL BE SHOWN AT THE TIME OF BUILDING PERMIT. SIGNS TO CONFORM TO THE ZONING ORDINANCE, EXCEPT AS ADJUSTED BY THIS USE PERMIT AND EXCEPT THAT WALL SIGNS SHALL NOT BE ALLOWED ON THE NORTH AND WEST WALLS OF THE ANCHOR STORE.” (**\*\*Per Planning Commission, at the request of the applicant and agreed upon by staff, 4/26/06\*\***)
- 2.1.1.14 Add a General Note that states “ANY LIGHTING ON THE NORTH AND WEST SIDES OF THE ANCHOR STORE TO COMPLY WITH DESIGN STANDARDS Chapter 3.00, SECTION 8.
- 2.1.1.15 Add a north arrow and scale.

- 2.1.1.16 Correct the total acreage in the legal description.
- 2.1.1.17 Revise General Note #9 to state "ALL MEDIANS, LANDSCAPING AND PEDESTRIAN CIRCULATION WITHIN THIS USE PERMIT TO MAINTAINED BY AN ASSOCIATION OF PROPERTY OWNERS."
- 2.1.1.20 Revise General Note #20 to state "ATM'S. FENCES, DECORATIVE STRUCTURES AND ACCESSORY BUILDINGS ARE NOT SHOWN ON THE SITE PLAN BUT MAY BE CONSTRUCTED IF THEY ARE 25' X 25' OR SMALLER AND ARE CONSTRUCTED OUTSIDE OF SETBACKS, SIGHT TRIANGLES, EASEMENTS, AND REQUIRED MINIMUM PARKING, AND ARE BUILT ACCORDING TO ZONING ORDINANCE PROVISIONS, AND ARE IN CONFORMANCE WITH ALL OTHER APPLICABLE CODES."
- 2.2 Grading and drainage and utility plans revised to the satisfaction of Public Works and Utilities.
- 2.3 A traffic study accepted by Public Works and Utilities.
- 2.4 A final plat for the site is approved.
- 2.5 The construction plans comply with the approved plans.

**Standard Conditions:**

- 3. The following conditions are applicable to all requests:
  - 3.1 Before occupying the buildings all development and construction is to comply with the approved plans.
  - 3.2 All privately-owned improvements, including landscaping and pedestrian circulation facilities, are to be permanently maintained by the owner or an appropriately established homeowners association approved by the City.
  - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter

of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by

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April 11, 2006

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# USE PERMIT NO. 06004

## PUBLIC HEARING BEFORE PLANNING COMMISSION:

April 26, 2006

Members present: Esseks, Carroll, Larson, Strand, Cornelius, Taylor, Krieser and Carlson voting 'yes'; Sunderman absent.

Staff recommendation: Conditional approval.

Ex Parte Communications: None.

This application was removed from the Consent Agenda and had separate public hearing at the request of the Commission Chair and due to a letter received in opposition.

Additional information submitted for the record: Brian Will of Planning staff submitted a letter in opposition from Bev Johnson on behalf of the Sterling Hills Homeowners Association, and an e-mail response to a question submitted by Gene Carroll concerning trip generation.

## Proponents

**1. DaNay Kalkowski** appeared on behalf of the developer, **Desco Group**, which is requesting a use permit on the northwest corner of S. 40<sup>th</sup> Street and Yankee Hill Road, containing a little over 20 acres, bounded on the west by S. 37<sup>th</sup> Street and on the north by Grainger Parkway. The site has been zoned B-2 since 1999. The zoning was put in place at the same time as the R-3 zoning for the Pine Lake Heights neighborhood to the northwest and Sterling Hills Townhome development to the west, and the O-3 zoning to the north. The B-2 zoning was in place before any homes were built in this area. This was done intentionally so that the neighbors who built their homes would know that this would be a commercial retail center.

Kalkowski also pointed out that the traffic was master planned back in 2002, when the first use permit was done at the northeast corner of South 27<sup>th</sup> Street and Yankee Hill Road, at which time they completed traffic studies on both corners and identified the road improvements for both of these corners, and an off-site agreement was entered into with the City. As part of that agreement, a cap was placed on the number of trips that could be generated by both of these corners. Adding the traffic that is going to be generated by this corner is still within that traffic cap. The developer has, however, agreed to revise the latest traffic study just to make sure there are no adjustments that need to be made for turning lanes that would be directly adjacent to this site.

Kalkowski advised that this use permit includes 224,000 total sq. ft., and the largest single user is proposed at 174,000 sq. ft.

The developer first met with city staff over a year ago in January of 2005, and discussed a use permit very similar to what is being proposed today, showing a 170,000 sq. ft. user. The developer then met with the neighbors and heard lots of different concerns from the neighbors about having a larger user. After that meeting with the neighbors, the developer did not have a specific user for the anchor store, so the decision was made to wait to bring this use permit forward until they had a

specific user in order to answer the questions posed by the neighborhood and to address screening issues, etc. On March 29, 2006, the developer met with the Pine Lake Heights South neighborhood and other abutting neighbors, with 29 people attending. Over 400 invitations were mailed. At that meeting, the developer was able to share that the proposed anchor store is a Super Target store, and a representative from Target was at that meeting. In response to the meetings with the staff and the neighbors, the developer made revisions to the site to address the concerns raised by the neighbors.

**2. Brad Strittmatter, Olsson Associates,** then discussed the site plan on behalf of the developer. The site is 224,000 sq. ft. in total commercial space. The anchor store is 174,000 sq. ft., with various out-parcels including a 6,000 sq. ft. bank on the northeast corner; 4,000 sq. ft. retail pad to the west of that; a 31,000 sq. ft. retail facility on the southeast corner along Yankee Hill Road with two pad sites of 4,000 sq. ft. and 5,000 sq. ft. that may be fast-food or sit-down restaurants. The major anchor is oriented such that it faces east away from the neighborhoods. The building signs are proposed to be located on the east side and south side with no signage on the west and north side.

They are showing two major access points: Grainger Parkway and S. 40<sup>th</sup> Street; and Yankee Hill Road and South 37<sup>th</sup> Street. Both of those entrances turn in onto Grainger Parkway and S. 37<sup>th</sup> Street, and then as quickly as possible are able to turn into the site. They will not go by the majority of the neighborhood to the northwest. There are two right-in and right-out entrances/exits on S. 40<sup>th</sup> Street and on Yankee Hill Road. The one on Yankee Hill Road was requested by the neighbors.

With regard to truck access, Strittmatter pointed out that the major tenant has a service area on the southwest side of the building. That is the only place envisioned for semi-trucks and trailers to travel in and through the site. They will come in off of Yankee Hill Road onto 37<sup>th</sup> Street, turn into the site, and maneuver into the dock and out of the dock in that confined area. The service area for the large user is screened with an opaque screen wall to hide any trucks that are parked there and to also hide the trash compactor. The compactor is completely loaded from inside the building. There are no outside dumpsters.

With regard to pedestrian access, Strittmatter stated that there will be sidewalks on all abutting streets and there will be internal sidewalks going east and west, and north and south, connecting all the lots with each other and to the adjacent public rights-of-way.

The setbacks along the front and rear are 20', as required, and there is an additional 50' buffer area on the north and west side of the anchor store, with a fair amount of landscaping to screen it from the adjacent neighbors. The landscaping meets the new city standards and they have added 26 trees to that buffer area, equating to 1.5 times the city standards. The 50' buffer is expanded to 60, 70 and 80 feet in some areas due to the site plan. They have talked to the neighbors and agreed to increase berms wherever possible and to increase the initial planting tree size.

With regard to lighting, Strittmatter stated that the site lighting will meet the city standards, all being directed down, with no exposed lights on the back of the buildings and no light poles. The lighting will be minimal and kept to city standard or even less.

Kalkowski submitted a motion to amend the conditions of approval as follows:

- 2.1.1.12 ~~— Show the bike trail along Yankee Hill Road and any required additional right-of-way. (\*\*Per Planning Commission, at the request of the applicant and agreed upon by staff, 4/26/06\*\*)~~
- 2.1.1.13      Revise the last line of General Note #13 to state: “THE PARKING LOT AND BUILDING LAYOUT SHOWN IS CONCEPTUAL. THE ACTUAL LAYOUT WILL BE DETERMINED AT THE TIME OF BUILDING PERMIT AND SHALL CONFORM TO THE CITY OF LINCOLN ZONING ORDINANCE AND DESIGN STANDARDS. LANDSCAPING AND SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT WILL BE SHOWN AT THE TIME OF BUILDING PERMIT. SIGNS TO CONFORM TO THE ZONING ORDINANCE, EXCEPT AS ADJUSTED BY THIS USE PERMIT AND EXCEPT THAT WALL SIGNS SHALL NOT BE ALLOWED ON THE NORTH AND WEST WALLS OF THE ANCHOR STORE.”

With regard to deleting Condition #2.1.1.12, Kalkowski suggested that this condition is not necessary because the site plan already shows a trail easement along Yankee Hill Road, which was agreed upon previously and shown when this area was final platted. There is nothing additional that needs to be shown.

The proposed amendment to Condition #2.1.1.13 clarifies that not only is the parking lot layout conceptual, but also the building layout.

Kalkowski concluded the applicant's presentation by stating that the developer has attempted to design the site to minimize the impact the uses will have on the neighbors. Many neighbors have actually submitted letters in support and have made calls in support. Kalkowski has not received any letters in opposition since the neighborhood meeting.

Larson inquired as to the height of the structures and signage. Kalkowski advised that the building will be 26 to 28 feet in height, and the signage will be on the front of the building facing on the east and on the south.

Esseks noted that the letter in opposition suggests that McLaughlin Drive will be impeded by trucks going into this commercial area. Kalkowski showed McLaughlin Drive at the map, on the west side of S. 37<sup>th</sup> Street. The staff required the developer to shift the location of the entrance so that it lines up with McLaughlin Drive. It lines up with the west side of the entrance. The user of the store is concerned about the amount of space for trucks to get in, so she does not believe there should be any impediment to the west side of 37<sup>th</sup> Street with the trucks entering and exiting this site.

Carroll inquired whether the applicant had done a new traffic study. Kalkowski stated that they have not done a new traffic study, but they are going to update the last study done at the corner of 27<sup>th</sup> & Yankee Hill Road. Carroll wondered whether the specific trip counts are known. Kalkowski indicated that they do know and they did submit a chart showing the anticipated trips, and they are less than the cap. Because of the trip numbers, Public Works is concerned and wants to make sure that the turning lanes are the appropriate length.

Carroll inquired further as to the trip counts for this specific site. Kalkowski advised that this specific site was shown as a 235,000 sq. ft. shopping center and the site to the north was shown as an office park, so there was an amount of trips anticipated to occur at this end of the site. The trips generated from the actual uses at this corner are about 157 more than what was on the original traffic study, but the proposal is still within the trip cap set forth in the off-site road improvement agreement. The trip count includes the other uses. Kalkowski explained that the specific uses are not yet known at the time that the traffic study is done. We can get a better number when the specific users have been identified.

### Support

1. **Todd Beam**, 7925 S. 36<sup>th</sup> Street, which is less than one block from the commercial site, testified in support. His awareness of this project started back in 2003 when he was looking for a place to build his home. At that point in time, the first thing he did was look at the web site to see what the adjoining properties were and he easily determined that it was zoned B-2; he was able to look up what B-2 meant and what would be allowed. Even at that point in time, there was some notion that this was going to be a rather large neighborhood center. He bought his house knowing about the B-2 zoning and development. He participated in the original informational meeting before it became a Target, and the idea of a big box retailer was presented at that meeting. There were a lot of concerns about traffic, size of the store, buffers, trash, lighting, etc. He is very pleased with the fact that the developers took all of the neighbors' concerns into account and addressed a large number of their concerns at the next informational meeting.

Beam pointed out that a person cannot drive around the Target building, which is very important. The additional buffer and landscaping is very important, as well as the lighting, the hours of operation, and the trash compactors. In addition to that, Target brings to the table a completely different ramification. He described it as B-2+. You cannot locate just anything next to a Target, and he has never seen a Target move. He considers them to be a good neighbor.

### Opposition

1. **Bev Johnson**, 1233 Infinity Court, appeared on behalf of the **Sterling Hills Homeowners Association**, which is across 37<sup>th</sup> Street from the proposed development. The current owners have major concerns regarding the extra traffic and the safety of their children and grandchildren. Along with the environmental issues from fast food restaurants and additional vehicles in the area, they are concerned about a high volume big box store in the area and the impact on the values of the homes in the neighborhood. Some homeowners made their purchases because it was "away" from the commercial area.

However, if this permit is approved, the Sterling Hills Homeowners Association is concerned about the driveway across from McLaughlin Drive. With the trucks using McLaughlin Drive to negotiate their turns, the Sterling Hills property owners would like to see a drive pattern that would limit some of that truck traffic on 37<sup>th</sup> Street. They would also request the addition of a fence to keep the trash from blowing through the tree screen on the west side of the development. Because of the noise and odor pollution concerns, the neighbors are interested in a limitation on the window of time when trucks would be allowed to deliver, such as 8:00 a.m. to 9:00 p.m. There has been some concern about the lighting and signage, and the Sterling Hills neighbors agree with the signage along the

wall spacing on 37<sup>th</sup> Street and Grainger Parkway. The Sterling Hills neighbors would recommend adding more trees and a taller berm in addition to a fence on the west side.

**2. Ann Sidles**, 5200 Cavey Road, appeared, stating that she is in a neutral position, on behalf of the 17 homeowners in Country Acres, which is 1 to 1.5 miles northeast of the location. This week happens to be National Dark-Sky week, sponsored by the International Dark-Sky Association. She is concerned about the lighting and she submitted a model lighting ordinance which she found on the International Dark-Sky Association Web site. From 57<sup>th</sup> & Cavey Road (at the top of the hill between Pine Lake Road and Yankee Hill Road) the Country Acres residents can easily see the Walmart and Menards, which are several miles away. She requested that the Commission please consider the lighting very carefully. She noted a new development near South 14<sup>th</sup> Street and Hwy 2, just south of the post office, called Pioneers Point Plaza, where the lighting in the parking lot is not tall and there is no sideways lighting. We need to look at lighting every time we approve something in the community to make sure it does not pollute the dark sky.

### Staff questions

Strand asked staff to respond to the applicant's proposed amendments to the conditions of approval. Will stated that staff agrees with the proposed amendments.

Strand inquired about the location of McLaughlin Drive. Will stated that it is a requirement for McLaughlin Drive to line up with that street in the previously approved special permit. That street is in place so staff is making it a requirement that this driveway line up with that street.

Strand inquired about requiring a fence until the trees have grown. Will indicated that staff would not object. However, the screening being provided is in excess of the design standard.

Esseks inquired whether there is a city ordinance regarding the delivery of goods to commercial areas. Will indicated that there is no design standard or restriction relative to the delivery of goods.

Larson inquired about the lighting ordinance. Will indicated that there are design standards relative to lighting. There is also an ongoing discussion occurring about revising those design standards. This development is subject to the design standards for parking lot lighting.

Taylor inquired about deleting the bike trail condition. Will explained that the condition being requested to be deleted was included to make sure that everyone is satisfied. He has talked with Parks and they are satisfied. The trail will extend along Yankee Hill in this area and the notes shown on the plan will accommodate that.

Carlson noted that the Comprehensive Plan talks about neighborhood centers providing services and retail goods oriented to the neighborhood level, and asked Will to guide him through the staff analysis for approving this proposal. Will suggested that it probably relates to size and the goods and services that are being allowed. We can see the "big box" under one roof or several different buildings. It is within the total floor area allowed for a neighborhood center as described in the Comprehensive Plan. The plan shown and uses being proposed meet the intent of a neighborhood center. You could argue that the big box will have a bigger draw than the one square mile; however, you can also make the argument that it will primarily serve that area based on the goods and

services that it will provide. Will found that the proposal meets the definition of a neighborhood center in terms of floor area and overall square footage. It could be broken up into smaller stores but it would be providing the same goods and services.

Carlson does not believe the site plan is pedestrian friendly. Will agreed that if it did have some smaller footprint stores, it could provide additional pedestrian opportunities. But, he sees opportunities either way.

Carlson inquired about the difference in terms of trip generation. Will suggested that there are a lot of variables, and there are some assumptions being made that may or may not be correct. Carlson challenged that the two are equal. Will further suggested that on the surface, if comparing 150,000 sq. ft. of retail floor area in one building or five buildings, the trip generation may be similar, but he believes the dynamics may change when you get to a store of this size, but he is not sure how.

Strand inquired about the size of the HyVee Store at 70<sup>th</sup> & Pioneers. Will suggested that it is closer to probably 90,000 sq. ft. Strand was interested in how much of that shopping center is occupied by HyVee.

Esseks inquired whether there is any evidence that turning this 174,000 sq. ft. development into a number of different separate stores would be better for the community than one large store. Will stated that there is nothing definitive at this time. Esseks also wondered whether there is any data on vacancies of smaller store buildings. He sees a number of these strip commercial developments with vacant stores. He wonders whether this part of town might be served better with the one larger retail establishment.

#### Response by the Applicant

Kalkowski responded to the issue of one large user versus several smaller users. They heard from the neighborhood that one large user was more attractive because we are dealing with one store with one set of deliveries, one dock area, one trash compactor area, with room to do a really nice screen along the back, and the building itself somewhat provides a buffer to the traffic on 40<sup>th</sup> and Grainger Parkway.

Kalkowski reiterated that the zoning has been in place for a long time, even before the Sterling Hills special permit was approved. Obviously, 37<sup>th</sup> and Grainger have been designed to accommodate the traffic to be generated from commercial on this corner. This developer added the right-in, right-out on Yankee Hill Road at the request of the neighbors. They have done some things to minimize how the traffic might impact the surrounding neighbors.

With respect to the request for the fence, Kalkowski pointed out that the developer has gone way above the norm in trying to put in a screen along Grainger and along S. 37<sup>th</sup> Street that is 1.5 times the minimum requirements. The developer has also made the commitment to the neighbors to do berming to the extent possible and still have maintainable slopes. The developer has also committed to put in trees that are larger than the minimum required by the city to help boost the landscaping to provide a better screening. The landscape screen is a much more attractive solution. There should not be trash blowing around from the big box because everything goes into the trash compactor. There will be less trash with the one large user. They will meet the City's lighting standards for both the parking lot and the building.

Carroll asked for confirmation that after the traffic study is done, the developer will pay for any improvements. Kalkowski suggested that there is a base line already in place, but if there is more as a result of this development, she agreed that it would be the developer's responsibility.

Esseks inquired whether there is data indicating when truck deliveries occur in this type of Target facility. Kalkowski noted that Target had indicated that their trucks would do deliveries between 4:00 p.m. and 10:00 p.m. Of course, they could have van deliveries anytime during the hours of operation.

Will approached with the information requested about Lenox Village at 70<sup>th</sup> & Pioneers. The total floor area of the shopping center is 121,000 sq. ft. The HyVee is 67,000 sq. ft., or 56% of that center.

**ACTION BY PLANNING COMMISSION:**

April 26, 2006

Strand moved to approve the staff recommendation of conditional approval, with the amendments requested by the applicant, seconded by Carroll.

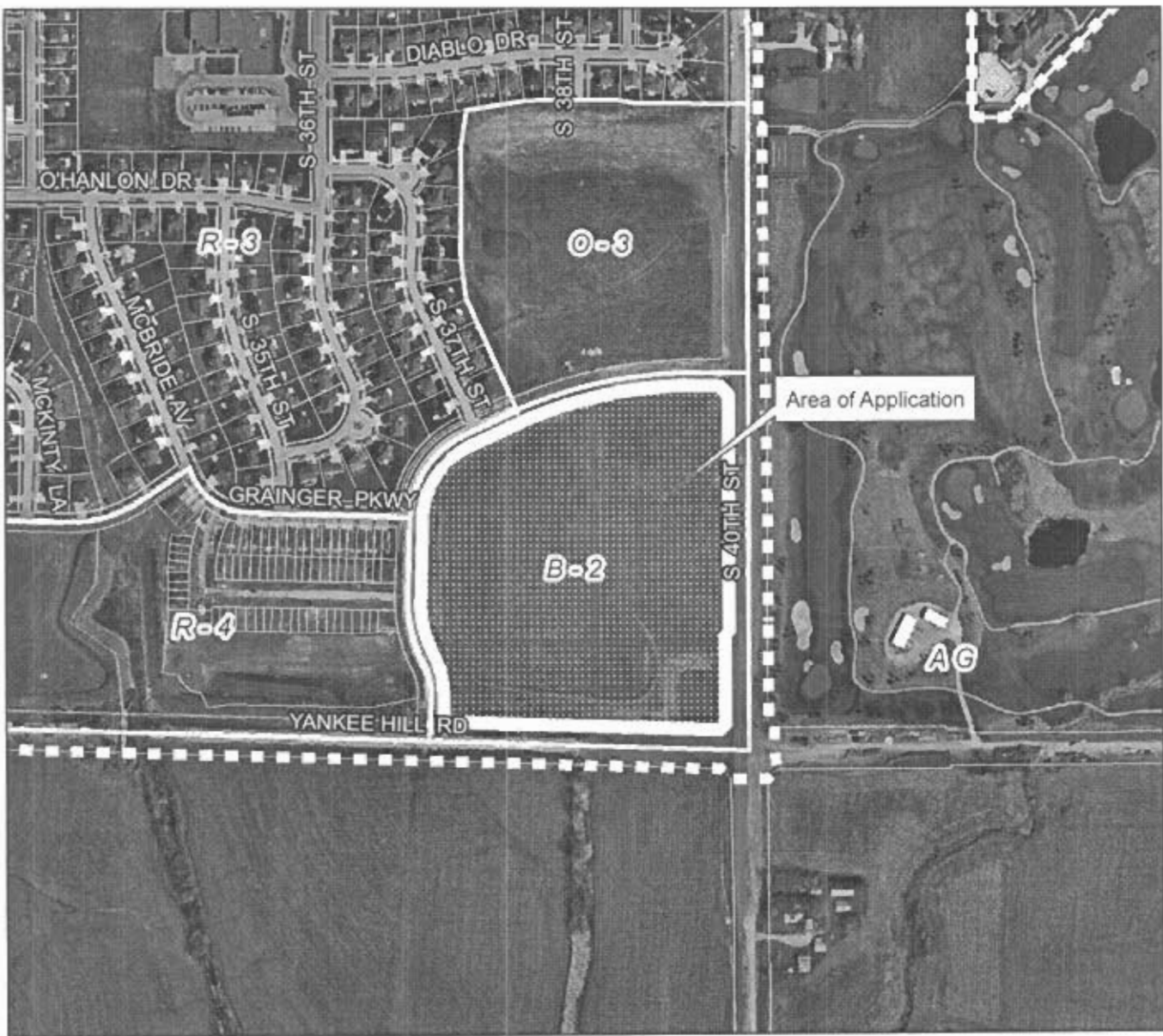
Larson stated that he will vote in favor, but this points out the need for future Comprehensive Plans to have some sort of ratio of the largest anchor to the total square footage of the center.

Carroll believes that the applicant is following the definition of a neighborhood center as set forth in the Comprehensive Plan. He believes it is a very good site design, and a needed improvement for that area.

Strand also appreciates the work that the developer did with the neighborhood.

Carlson agreed that it is a good site plan and that they have done a good job of buffering, but he is hopeful that other clients coming forward with other centers, would strive for a higher standard. He did commend the developer for attempting to find a way to provide important neighborhood services in this part of the city. It is true that this area has been designated for commercial and this corner is appropriate, but he will vote against the motion. He believes we need continued discussion and further refinement regarding neighborhood centers in the Comprehensive Plan. The Plan is ambiguous in terms of the neighborhood center and difficult for the development community to understand what is being required. He believes that the Comprehensive Plan does provide guidance and offers specific examples, such as Lenox Village and Coddington Park, which are more typical of a neighborhood center with smaller users. Thus, it is not quite true to say we don't have guidance. While he thinks this has good elements in design, he does not believe the inclusion of the "super center" makes it a neighborhood center. It makes it a draw from the larger community and creates more traffic.

Motion for conditional approval, with amendments, carried 7-1: Esseks, Carroll, Larson, Strand, Cornelius, Taylor and Krieser voting 'yes'; Carlson voting 'no'; Sunderman absent. This is a recommendation to the City Council.



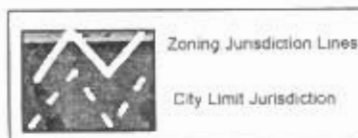
2005 aerial

## Use Permit #06004 S. 40th St. & Yankee Hill Rd.

### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 19 T9N R7E



## LEGAL DESCRIPTION

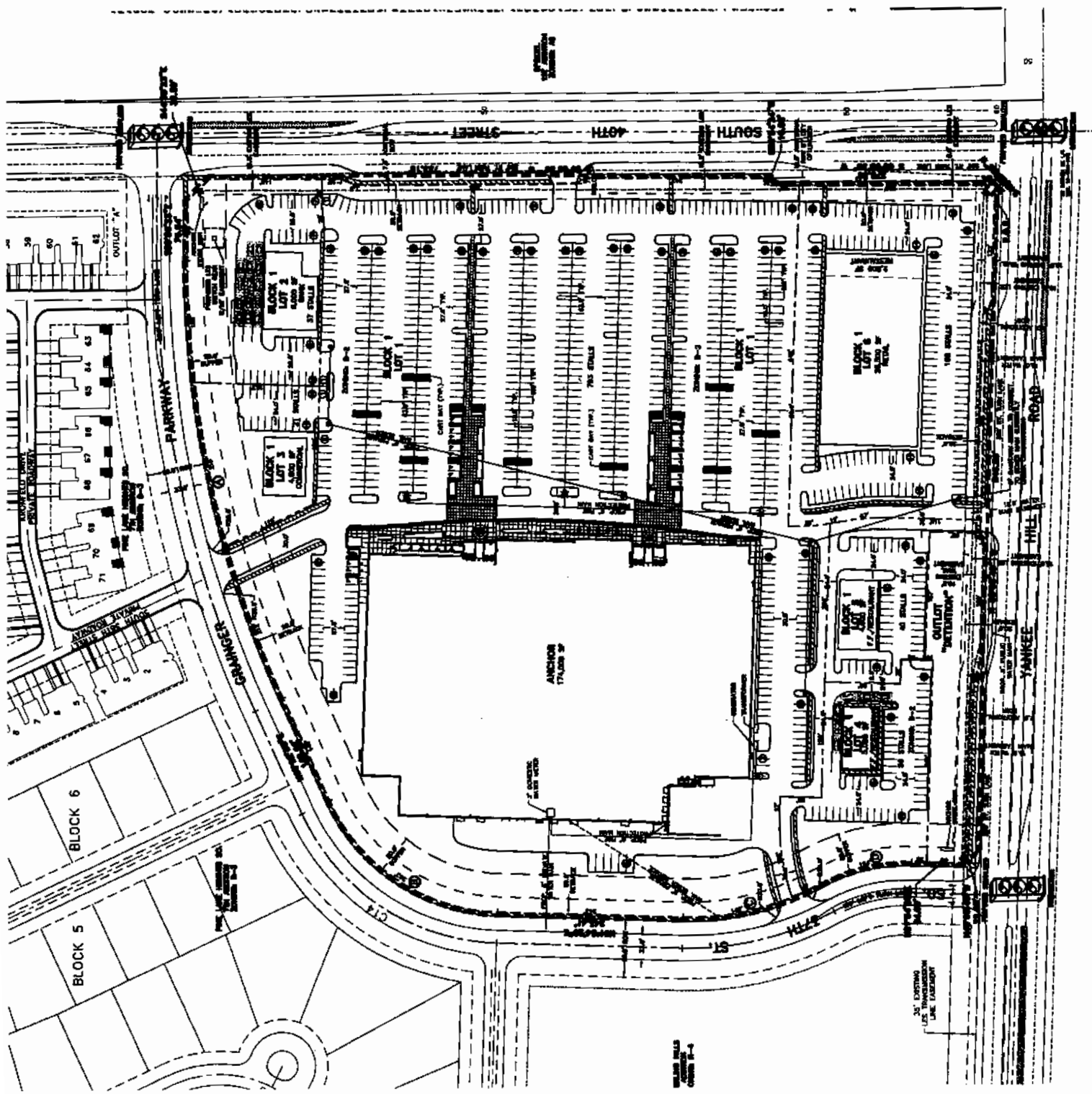
A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF THE REMAINING PORTION OF OUTLOT "F", PINE LAKE HEIGHTS SOUTH 7TH ADDITION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, STATE OF NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

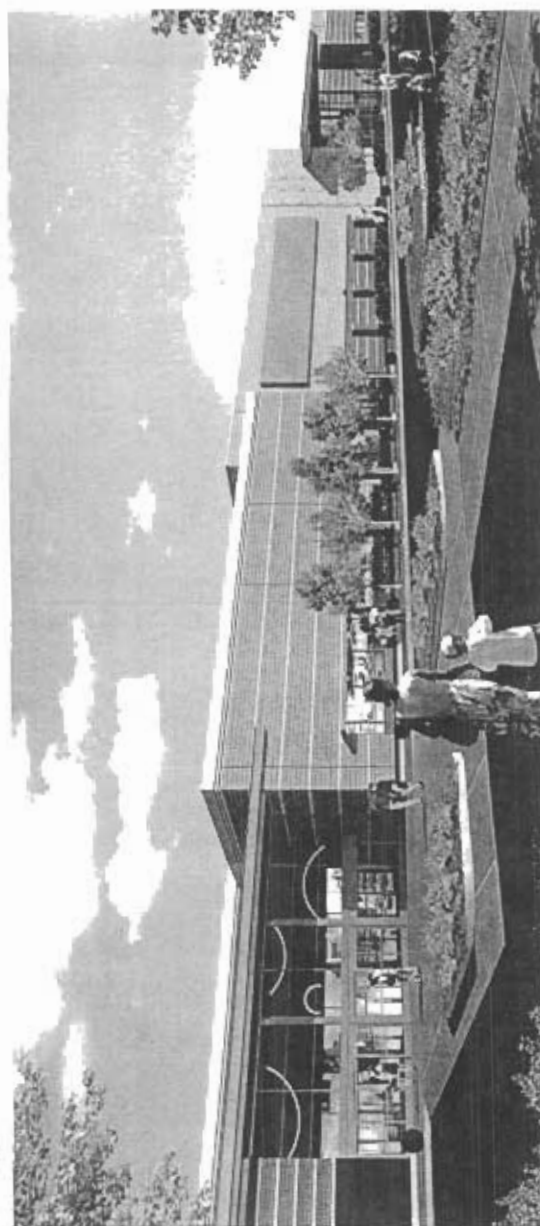
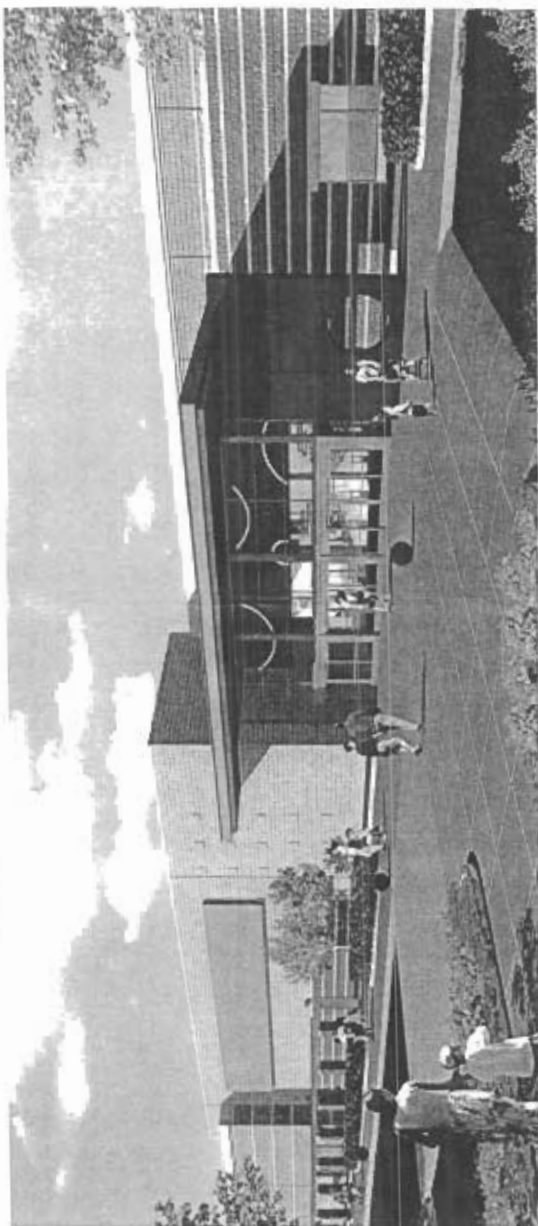
COMMENCING AT THE SOUTHEAST CORNER OF SAID REMAINING PORTION OF OUTLOT "F", SAID POINT BEING 60.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER, AND 88.00 FEET WEST OF THE EAST LINE OF SAID SOUTHEAST QUARTER, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE WEST ALONG THE SOUTH LINE OF SAID REMAINING PORTION OF OUTLOT "F", ON AN ASSUMED BEARING OF NORTH 88 DEGREES 05 MINUTES 40 SECONDS WEST, SAID LINE BEING THE NORTH LINE OF YANKEE HILL ROAD RIGHT-OF-WAY, SAID LINE BEING 60.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 846.59 FEET TO THE SOUTHWEST CORNER OF SAID REMAINING PORTION OF OUTLOT "F", THENCE NORTH 43 DEGREES 05 MINUTES 40 SECONDS WEST ALONG A SOUTHWEST LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING A NORTHEAST LINE OF SOUTH 37TH STREET RIGHT-OF-WAY, A DISTANCE OF 22.63 FEET TO A POINT, THENCE NORTH 01 DEGREES 54 MINUTES 20 SECONDS EAST ALONG A WEST LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 64.00 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 29 DEGREES 55 MINUTES 35 SECONDS, A RADIUS OF 240.00 FEET, A ARC LENGTH OF 125.36 FEET, A CHORD BEARING OF NORTH 13 DEGREES 03 MINUTES 28 SECONDS WEST ALONG A WEST LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, AND A CHORD DISTANCE OF 123.94 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 29 DEGREES 55 MINUTES 35 SECONDS, A RADIUS OF 360.00 FEET, A ARC LENGTH OF 188.03 FEET, A CHORD BEARING OF NORTH 13 DEGREES 03 MINUTES 28 SECONDS WEST ALONG A WEST LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING THE EAST LINE OF SAID RIGHT-OF-WAY, AND A CHORD DISTANCE OF 185.90 FEET TO A POINT OF TANGENCY, THENCE NORTH 01 DEGREES 54 MINUTES 20 SECONDS EAST ALONG THE WEST LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING THE EAST LINE OF GRAINGER PARKWAY RIGHT-OF-WAY, A DISTANCE OF 243.41 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 83 DEGREES 28 MINUTES 13 SECONDS, A RADIUS OF 250.00 FEET, A ARC LENGTH OF 276.94 FEET, A CHORD BEARING OF NORTH 33 DEGREES 38 MINUTES 26 SECONDS EAST ALONG THE NORTHWEST LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING A SOUTHEAST LINE OF SAID RIGHT-OF-WAY, AND A CHORD DISTANCE OF 263.00 FEET TO A POINT OF TANGENCY, THENCE NORTH 65 DEGREES 22 MINUTES 33 SECONDS EAST ALONG A NORTHWEST LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING A SOUTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 146.02 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 24 DEGREES 41 MINUTES 04 SECONDS, A RADIUS OF 1,360.00 FEET, A ARC LENGTH OF 585.92 FEET, A CHORD BEARING OF NORTH 77 DEGREES 43 MINUTES 05 SECONDS EAST ALONG THE NORTH LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING THE SOUTH LINE OF SAID RIGHT-OF-WAY, AND A CHORD DISTANCE OF 581.40 FEET TO A POINT OF TANGENCY, THENCE SOUTH 89 DEGREES 56 MINUTES 23 SECONDS EAST ALONG THE NORTH LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 76.54 FEET TO THE NORTHEAST CORNER OF SAID REMAINING PORTION OF OUTLOT "F", THENCE SOUTH 44 DEGREES 55 MINUTES 23 SECONDS EAST ALONG A NORTHEAST LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING A SOUTHWEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 39.59 FEET TO A EAST CORNER OF SAID REMAINING PORTION OF OUTLOT "F", THENCE SOUTH 00 DEGREES 05 MINUTES 36 SECONDS WEST ALONG THE EAST LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING THE WEST LINE OF SOUTH 40TH STREET RIGHT-OF-WAY, SAID LINE BEING 60.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 733.15 FEET TO A EAST CORNER OF SAID REMAINING PORTION OF OUTLOT "F", THENCE NORTH 89 DEGREES 54 MINUTES 24 SECONDS WEST ALONG A SOUTH LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 10.00 FEET TO A EAST CORNER OF SAID REMAINING PORTION OF OUTLOT "F", THENCE SOUTH 00 DEGREES 05 MINUTES 36 SECONDS WEST ALONG THE EAST LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING THE WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 70.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 278.56 FEET TO A EAST CORNER OF SAID REMAINING PORTION OF OUTLOT "F", THENCE SOUTH 45 DEGREES 59 MINUTES 58 SECONDS WEST ALONG THE SOUTHEAST LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING A NORTHWEST LINE OF YANKEE HILL ROAD RIGHT-OF-WAY, A DISTANCE OF 25.06 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 896,583.42 SQUARE FEET OR 2058 ACRES, MORE OR LESS.

### GENERAL NOTES

1. SANITARY SEWER AND WATER LINES TO BE 8" PIPE UNLESS OTHERWISE SHOWN. STORM SEWER SHALL BE CONSTRUCTED USING APPROVED PIPE MATERIALS OF THE BUILDING AND SAFETY PLUMBING DEPARTMENT. PUBLIC AND PRIVATE UTILITIES TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS.
2. ALL PAVEMENT RETURN RADII TO BE 20' (MIN.) UNLESS OTHERWISE NOTED.
3. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION.
4. PUBLIC SIDEWALKS SHALL BE 5' WIDE. SIDEWALKS SHALL BE CONSTRUCTED ON SOUTH 40TH STREET, GRAINGER PARKWAY, YANKEE HILL ROAD AND SOUTH 37TH STREET. INTERNAL PRIVATE SIDEWALKS SHALL BE 4' WIDE.
5. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
6. DIRECT VEHICULAR ACCESS TO SOUTH 40TH STREET, YANKEE HILL ROAD, GRAINGER PARKWAY AND SOUTH 37TH STREET SHALL BE RELINQUISHED EXCEPT AS SHOWN.
7. ALL ELEVATIONS ARE TO NAVD 1988.
8. ALL PARKING LOT ISLANDS SHALL BE RAISED, CONCRETE CURB AND GUTTER MEDIANS.
9. ALL OUTLOTS, MEDIANS, AND PRIVATE ROADWAYS WITHIN THIS USE PERMIT SHALL BE MAINTAINED BY AN ASSOCIATION OF PROPERTY OWNERS.
10. UTILITY EASEMENTS TO BE PROVIDED AS REQUESTED BY L.E.S.
11. THE PROPOSED LOT LINES ARE CONCEPTUAL AND MAY VARY IN THE FINAL PLAT.
12. TOTAL USAGE:
  - TOTAL BLOCKS - 1
  - TOTAL LOTS - 6
  - TOTAL OUTLOTS - 1
13. THE PARKING LOT LAYOUT SHOWN IS CONCEPTUAL. THE ACTUAL LAYOUT WILL BE DETERMINED AT THE TIME OF BUILDING PERMIT AND SHALL CONFORM TO THE CITY OF LINCOLN DESIGN STANDARDS. LANDSCAPING AND SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT WILL BE SHOWN AT THE TIME OF BUILDING PERMIT. SIGNS TO CONFORM TO ZONING ORDINANCE 27.69.
14. ALL EAVES, CANOPIES AND OTHER BUILDING PROJECTIONS MAY EXTEND OVER THE BUILDING ENVELOPE LINES BUT NOT LOT LINES.
15. THE DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE LOTS AS LONG AS THE PERIMETER SETBACKS ARE MAINTAINED.
16. ALL DRIVES SHALL BE 24' WIDE TYPICAL UNLESS OTHERWISE NOTED.
17. ALL DISABLED PARKING STALLS SHALL BE IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, (FEDERAL REGISTER/VOL. 58, NO. 144/RULES AND REGULATIONS).
18. THE SALE OF ALCOHOL SHALL CONFORM WITH THE ZONING ORDINANCE.
19. TENT USAGE APRIL 1ST - NOV. 1ST MAX. SIZE OF TENTS 80' X 40' BUT SMALLER CAN BE USED. NO PARKING WITHIN 20 FEET OF TENTS. MULTIPLE TENTS MAY BE UP AT ONE TIME, HOWEVER, TOTAL NUMBER OF TENTS USED AT ONE TIME MAY NOT COVER MINIMUM NUMBER OF PARKING STALLS REQUIRED BY CHAPTER 27.67 OF THE ZONING ORDINANCE.
20. ATM's, FENCES, DECORATIVE STRUCTURES, & ACCESSORY BUILDINGS ARE NOT SHOWN ON THE SITE PLAN IF THEY ARE 25' X 25' OR SMALLER AND ARE CONSTRUCTED OUTSIDE OF SETBACKS, SIGHT TRIANGLES, EASEMENTS, AND REQUIRED MINIMUM PARKING, AND ARE BUILT ACCORDING TO THE ZONING ORDINANCE PROVISIONS, AND ARE IN CONFORMANCE WITH ALL OTHER APPLICABLE CODES.
21. MINOR ADJUSTMENTS IN THE FLOOR AREA OF EACH BUILDING MAY BE MADE AT TIME OF BUILDING PERMIT, PROVIDED THE TOTAL FLOOR AREA OF THE CENTER DOES NOT EXCEED 215,600 SQUARE FEET. ANY INCREASE IN FLOOR AREA ABOVE 215,600 MUST BE APPROVED BY ADMINISTRATIVE AMENDMENT.
22. WE ARE REQUESTING A COMMON ACCESS EASEMENT OVER ALL DRIVES & PARKING STALLS.
23. THE LOCATION OF "ANCHOR" STORE SIGNS ARE SHOWN. THE LOCATION OF INDIVIDUAL LOT SIGNS SHALL BE ACCORDING TO SECTION 27.69 OF THE LINCOLN MUNICIPAL CODE.
24. NO PARKING SHALL BE PERMITTED WITHIN THE 50' LANDSCAPE BUFFER ADJACENT TO S. 37TH ST. AND GRAINGER PARKWAY.

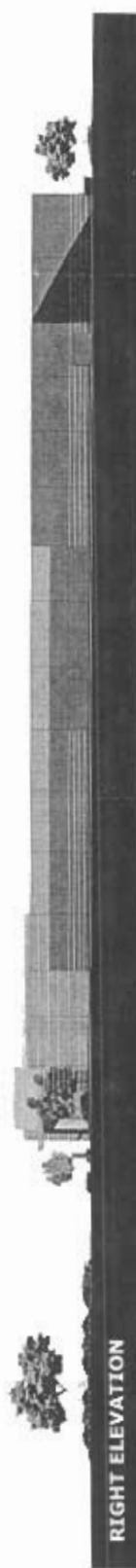
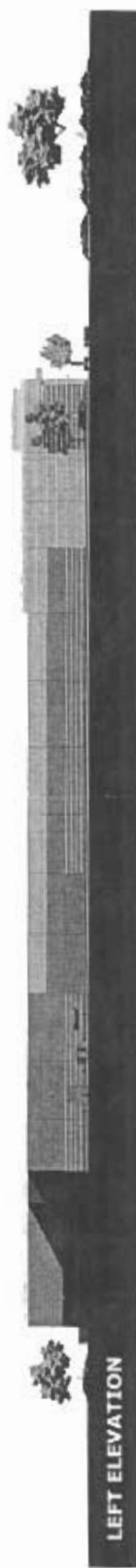






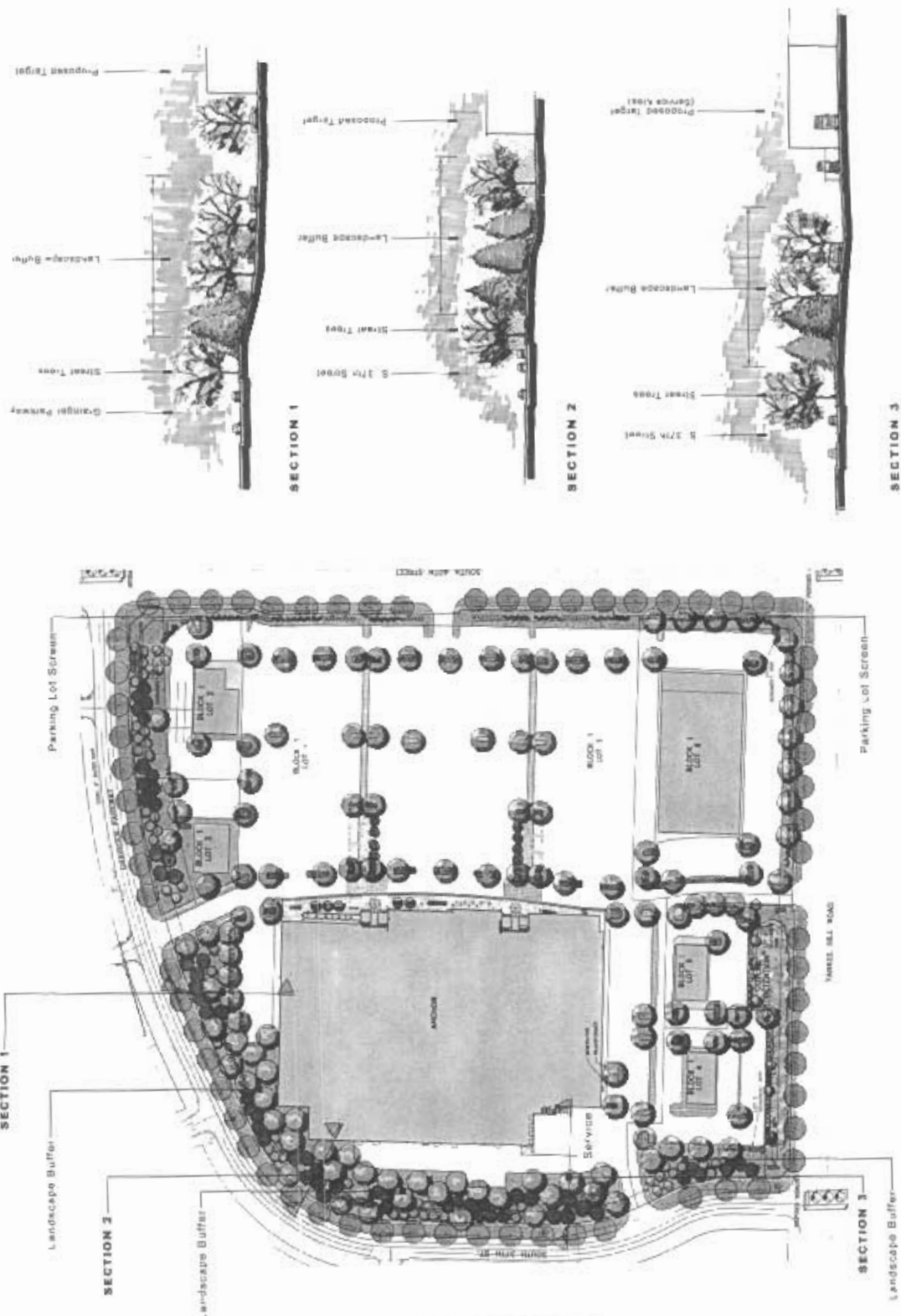
**LINCOLN SW, NE**

28 March 2008



**LINCOLN SW, NE**

## LINCOLN SW, NE



# SEACREST & KALKOWSKI, P.C.

A LIMITED LIABILITY ORGANIZATION

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DANAY KALKOWSKI  
E-MAIL: danay@sk-law.com

March 30, 2006

## HAND DELIVERY

Mr. Marvin Krout  
Planning Department, City of Lincoln  
County-City Building  
555 So. 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: Yankee Ridge Commercial Center Use Permit  
Northwest Corner of South 40<sup>th</sup> Street and Yankee Hill Road

Dear Marvin:

Our office represents The DESCO Group ("DESCO") who has a contract interest in Outlot F, Pine Lake Heights South 7<sup>th</sup> Addition, Lincoln, Lancaster County, Nebraska ("Outlot F"). Outlot F contains approximately 20.58 acres and is located at the northwest corner of South 40<sup>th</sup> Street and Yankee Hill Road. It is bounded on its west by South 37<sup>th</sup> Street and on its north by Grainger Parkway. Outlot F is currently zoned B-2. It was zoned B-2 in 1999 at the same time the R-3 zoning for all of the surrounding Pine Lake Heights South residential neighborhood was approved.

DESCO is requesting a Use Permit for Outlot F for 224,000 total square feet of retail uses, with the largest single user shown at 174,000 square feet. We met with Planning staff on March 23, 2006, to obtain comments on a draft site plan. We also met with the Pine Lake Heights South neighbors and other abutting neighbors on March 29, 2006 to obtain their comments. We mailed out over 400 invitations, including the entire neighborhood association, and had 29 people attend. We previously met with both City staff (January 27, 2005) and Pine Lake Heights South neighbors (February 2, 2005) over a year ago to discuss a draft site plan that was similar to the layout and square footage shown on this application. In response to all of these meetings, revisions have been incorporated into the site plan to address many of the comments received.

The Use Permit has been specifically designed to minimize the impact the large user may have on the residential neighbors to the west across South 37<sup>th</sup> Street and to the north across Grainger Parkway. While the new City standards require a 20 feet front yard setback along South 37<sup>th</sup> Street and Grainger Parkway, an additional 30 feet buffer area is being shown on the plan. This additional buffer area is being utilized for enhanced landscaping. The landscape

screen being proposed in this area exceeds the City requirements. An additional 26 evergreen trees have been added to the 52 that are required. A note has also been added to the Site Plan that prohibits any parking within this buffer area.

The large building has been oriented so the loading dock faces south away from the residential neighbors. A screening wall is shown that screens the dock area from the neighbors to the west. Right in, right out intersections have been shown into the site from both South 40<sup>th</sup> Street and Yankee Hill Road. The Yankee Hill Road intersection was added at the request of the neighbors to help minimize the traffic on South 37<sup>th</sup> Street and Grainger Parkway.

The traffic for this commercial area was master planned back in April 2002, when the first use permit was issued for the commercial area at the northeast corner of South 27<sup>th</sup> Street and Yankee Hill Road. At that time, the owners conducted a traffic study that included both the South 27<sup>th</sup> Street and South 40<sup>th</sup> Street commercial areas. The road improvements necessary to handle the traffic from both commercial centers were identified, and the Pine Lake Heights South Agreement for the Installation of Off-Site Transportation Improvements was entered into with the City to identify who would pay for the cost of the improvements. As part of that Agreement there was a cap placed on the number of P.M. peak hour trips that could be generated by the commercial areas, and traffic signals at various locations were identified. A memo is included with this submittal that shows the traffic that will be generated by this proposed development added to the approved development on South 27<sup>th</sup> Street is below the cap set out in the Agreement with the City. Consequently, the road improvements necessary to handle the traffic from this proposed development have already been planned for and some have been constructed.

Enclosed please find the following for the above-mentioned project:

1. 21 copies of the Site Plan
2. 9 copies of the Drainage and Grading Plan
3. 9 copies of the Landscape Plan
4. City of Lincoln Zoning Application (Use Permit)
5. \$740 Submittal Fee
6. 1 copy of the Ownership Certificate
7. Building Elevations for illustrative purposes
8. Trip Cap Analysis
9. 3 copies of the Pine Lake Heights South 4<sup>th</sup> Master Drainage Plans

The following waivers are requested:

1. Waiver to L.M.C. Section 27.31.090 to reduce internal yard setbacks for Lots 1 through 6 to 0' within the development.

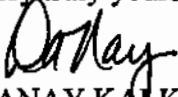
This waiver request only applies to the internal setbacks within the development. It will allow the buildable areas to be platted as lots and the parking area to be shown as a common outlot. The perimeter lot setbacks will conform to the City requirements as shown on the Site Plan.

2. Waiver to L.M.C. Section 27.31.090 to permit ground signs for the individual pad site buildings to be located more than thirty feet from the building.

The Lincoln Municipal Code allows each individual free standing pad site building an on-premises ground sign in the B-2 district. We are requesting that the ground signs for the individual pad site buildings be allowed to be located more than thirty feet from the pad site building. Due to the parking layout on each individual pad site, it may not be possible to locate the sign within thirty feet from the building.

We look forward to working with the City on this project. Please contact me or Mark Palmer from Olsson Associates if you have any questions or require any additional information.

Very truly yours,

  
DANAY KALKOWSKI  
For the Firm

Enclosures

cc: The DESCO Group  
Ridge Development Company  
Southview, Inc.  
Jon Camp

# Memorandum

To: Brian Will, Planning Department

From: Chad Blahak, Public Works and Utilities

Subject: Yankee Ridge Use Permit #06004

Date: 4/12/06

cc:

Engineering Services has reviewed the Yankee Ridge Use Permit, located on the northwest corner of South 40<sup>th</sup> Street and Yankee Hill Road and has the following comments:

**Sanitary Sewer** - The following comments need to be addressed.

(1.1) The note relating to the sanitary sewer connection across Yankee Hill Road needs to be revised to generally state that this is a future connection. The project that would bring the necessary trunk sewer to this area is not planned to be constructed for a couple of years. Also, the local sewer system would have to be extended thru the Wilderness Hills 1<sup>st</sup> Addition preliminary plat to make the connection possible. It has been indicated that this portion of the Wilderness Hills 1<sup>st</sup> plat is not planned for development for approximately five years.

(1.2) The proposed 8" for the anchor lot is assumed to be shown connecting the existing 8" public sewer stub in South 37<sup>th</sup> Street. If this is the intention, the existing stub extending from the existing manhole on the west side of the street will be considered private and part of the sewer service and maintenance on this portion will be the responsibility of the developer/owner. If the developer/owner does not agree to assume maintenance of this existing stub, a manhole will be required at the end of the existing stub and the proposed service will be required to tap the manhole.

**Water Main** - The water system is satisfactory.

**Grading/Drainage** - The following comments need to be addressed.

(3.1) The outlet for the proposed detention cell needs to be shown on the plans. Calculations need to be provided showing that the outlet is adequate to match the release rates shown on the revised sheet 7 of 14 of the Pine Lake Heights South 4<sup>th</sup> plat included in this submittal.

**Streets/Paving** - The following comments need to be addressed.

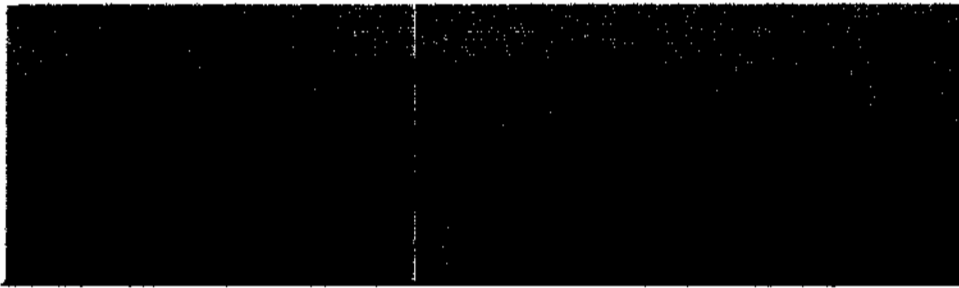
(4.1) The proposed development shows an increase of almost 300 pm peak trips when compared to the traffic study for Use Permit 134A and Use Permit 149. A revised traffic study should be provided to address the increase in trips. The revised study needs to specifically address the effects of the increased trips on Grainger Parkway and South 37<sup>th</sup> Street and their intersections with South 40<sup>th</sup> Street and

Yankee Hill Road respectively. The revised study also needs to address the adequacy of the left turn lane lengths in 40<sup>th</sup> Street and Yankee Hill Road at Grainger and 37<sup>th</sup> respectively.

(4.2) The future street connection on the west side of 37<sup>th</sup> Street just north of Yankee Hill Road needs to be shown. The drive connection to south 37<sup>th</sup> Street from this site should be aligned with the future residential street connection from the west side of the street. This would reduce traffic conflicts from the turning movements for both connections, especially given the high traffic volume for this site.

(4.3) There appears to be a large extension of the parking and loading area behind the proposed anchor store building. If this area is to be used by vehicles, the plans should be revised to allow for vehicles to turn around and exit. This will be a comment on the building permit review and it would be beneficial to address the issues with this submittal.

**General** – The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.



Status of Review: Approved

Reviewed By Alltel

ANY

Comments:

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Status of Review: Approved

04/04/2006 7:30:25 AM

Reviewed By Building & Safety

BOB FIEDLER

Comments: approved

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Status of Review: Approved

04/06/2006 11:44:49 AM

Reviewed By Fire Department

ANY

Comments: Upon review of the proposal, we have no objections to the layout of the proposal. The issue we have is the lack of Fire facilities in the area that does not allow us to provide the type of emergency response that our citizens have grown accustomed to.

---

Reviewed By Health Department

ANY

Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION

TO: Brian Will DATE: April 11, 2006

DEPARTMENT: Planning FROM: Chris Schroeder  
ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: Yankee Ridge  
EH Administration Commercial Center  
UP #06004

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed development with the following noted:

According to the LLCHD's Geographic Information System (GIS) records, a twelve inch high pressure underground natural gas pipeline is located along the south edge of this proposed development just south of the centerline for Yankee Hill Road. The LLCHD calculated a hazard area of approximately 221 feet on each side for this pipeline using the hazard area equation from report entitled, "A Model for Sizing High Consequence Areas Associated with Natural Gas Pipelines" prepared by Mark J. Stephens from C-FER Technologies. A hazard area or high consequence area is defined as the area within which the extent of property damage and the chance of serious or fatal injury would be expected to be significant in the event of a worst case scenario rupture failure.

At this time, there are no current regulations that prohibit the location of occupied buildings within hazard areas. However, the LLCHD strongly recommends that occupied dwellings or buildings not be located within projected hazard areas. At the very least, LLCHD recommends that future owners and/or lessees of dwellings or buildings located within the projected hazard area, be advised of the natural gas pipeline's location.

The LLCHD advises that noise pollution can be an issue when locating commercial uses adjacent to residential zoning.

Lincoln Municipal Code (LMC) 8.24 Noise Control Ordinance does address noise pollution by regulating source sound levels based upon the receiving land-use category or zoning. However, the LLCHD does have case history involving residential uses and abutting commercial uses in which the commercial source does comply with LMC 8.24, but the residential receptors still perceive the noise pollution as a nuisance. The LLCHD strongly advises the applicant to become familiar with LMC 8.24. The LLCHD advises against locating loading docks, trash compactors, etc. adjacent to residential zoning. Therefore, creative site design should be utilized to locate potential sources of noise pollution as far as possible from residential zoning.

All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.

During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

032

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Status of Review: Complete

04/11/2006 12:29:44 PM

Reviewed By Lincoln Electric System

NCSBJW

Comments: LES will require the additional easements marked in red on the map with a blanket utility easement over the outlot.

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Status of Review: Active

Reviewed By Lincoln Police Department

ANY

Comments:

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Status of Review: Approved

04/04/2006 2:37:55 PM

Reviewed By Parks & Recreation

ANY

Comments: Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and approval is contingent on the following:

1. The plans need to reflect a 10' wide trail along Yankee Hill Road.
  2. Street trees need to reflect the assignments of the Forestry Department. Contact 441-7036.
  3. Ponderosa Pine planted in mass is not an acceptable species. Consider using concolor fir, colorado green or blue spruce or black hills spruce.
  4. As pre-cautionary measure to the emerald ash borer it is recommend that the large masses of patmore ash be substituted with Hackberry or intermixed with Hackberry.
- 

Status of Review: Routed

Reviewed By Planning Department

COUNTER

Comments:

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Status of Review: Complete

Reviewed By Planning Department

RAY HILL

Comments:

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Status of Review: Active

Reviewed By Planning Department

BRIAN WILL

Comments:

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033

Status of Review: Active

Reviewed By Public Works - Development Services

ANY

Comments:

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Status of Review: Active

Reviewed By Public Works - Long Range Planning

ANY

Comments:

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Status of Review: Active

Reviewed By Public Works - Watershed Management

ANY

Comments:

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Kelly K Sieckmeyer/Notes

04/26/2006 12:12 PM

To Brian J Will/Notes@Notes

cc EUWC@aol.com, Randy W Hoskins/Notes@Notes, Dennis  
D Bartels/Notes@Notes

bcc

Subject Re: Use Permit #06004 Yankee Ridge Commercial Center

Brian - In an attempt to answer your questions we needed to make some assumptions related to the commercial uses at this location. Our assumptions for both options are as follows:

Option 1 - In accordance with the Use Permit and the Journal Star we assumed that we would need to calculate the total number of trips generated for a 174,000 sf Target Store. Also, included in the Use Permit were numerous pad sites at this location. As a rule these pad sites (such as fast food, banks, video rental, etc.) generate a fairly significant number of trips. The Use Permit as submitted, states that the proposed uses will generate 1,322 vehicular trips in the pm peak hour.

Option 2 - Since we're not real sure what use the 110,000 sf building is assigned we'll assume discount store or similar to the designation in Option 1. The rest of the site will be analyzed as strip mall with individual shops. Without specifics we established trip rates for the strip mall under the Specialty Retail designation listed in the ITE Trip Generation Manual. Basically a strip mall designation can have a use such as a Subway in the mall however, since it is located in a mall setting vs. a stand alone building it is projected to generate less trips. So, with that being said, we will attempt to put a number to pm trips generated by these assumptions. The number we came up with is 851 vehicular trips generated in the pm peak hour. Please be reminded that number did not include a 15% internal use reduction which if determined is eligible would reduce the number to 724.

Brian J Will/Notes



Brian J Will/Notes

04/24/2006 09:38 AM

To EUWC@aol.com

cc Randy W Hoskins/Notes@Notes, Kelly K  
Sieckmeyer/Notes@Notes

Subject Re: Use Permit #06004 Yankee Ridge Commercial Center

That's a good question, and I also thought it was a good point when you were making it during the work session last week. If viewed purely on a floor area basis, the trip generation would be the same. In reality, the dynamics of trip generation probably change when you introduce the large "big box" retailers into the floor area equation, but I am not sure if the impact translates into different trip generation rates. Having said that, I am forwarding your question to Randy Hoskins and asking him for his thoughts.

Randy - Could you review Gene Carroll's question below and give us your thoughts. It is in reference to the request for a use permit at S. 40th & Yankee Hill Road for up to 224,000 sq. ft. of commercial floor area, with 174,000 sq. ft. shown in one big box anchor store (reported by the Journal-Star to be a Target). Thanks.

Brian Will, AICP  
Lincoln/Lancaster County Planning Department  
555 South 10th Street  
Lincoln, NE 68508  
(402) 441-6362  
EUWC@aol.com



EUWC@aol.com



04/23/2006 03:19 PM

To BWill@ci.lincoln.ne.us

cc

Subject Use Permit #06004 Yankee Ridge Commercial Center

Brian: I have a transportation question for you, concerning #06004.

Option One - The design of a neighborhood center just like this one: 225,000 sq. ft. with a anchor of 176,000.

Option Two - neighborhood center 225,000 sq. ft. with an anchor of 110,000 and the rest as a strip mall with individuals shops.

Question: Both options have the same sq. ft. of commercial space and the same use. Does option one generate more trips because it is a big box store? Will it draw customers from farther away? Or, are the total trips the same for both options based on total commercial sq. ft.?

Thank you,

Gene Carroll  
euwc@aol.com

## MOTION TO AMEND

I hereby move to amend the Conditions recommended by the Lincoln City/Lancaster County Planning Staff Report for Use Permit #06004 to read as follows:

### CONDITIONS:

Site Specific:

\* \* \* \*

2. Before receiving building permits:

2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.

2.1.1 A revised site plan including 5 copies showing the following:

\* \* \* \*

~~2.1.1.12 Show the bike trail along Yankee Hill Road and any required additional right-of-way.~~

2.1.1.13 Revise ~~the last line of~~ General Note #13 to state "THE PARKING LOT AND BUILDING LAYOUT SHOWN IS CONCEPTUAL. THE ACTUAL LAYOUT WILL BE DETERMINED AT THE TIME OF BUILDING PERMIT AND SHALL CONFORM TO THE CITY OF LINCOLN ZONING ORDINANCE AND DESIGN STANDARDS. LANDSCAPING AND SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT WILL BE SHOWN AT THE TIME OF BUILDING PERMIT. SIGNS TO CONFORM TO THE ZONING ORDINANCE, EXCEPT AS ADJUSTED BY THIS USE PERMIT AND EXCEPT THAT WALL SIGNS SHALL NOT BE ALLOWED ON THE NORTH AND WEST WALLS OF THE ANCHOR STORE."

Introduced by:

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Approved as to Form & Legality:

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City Attorney

Staff Review Completed:

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Administrative Assistant

Requested by: SEACREST & KALKOWSKI, P.C.

## PLANNING &amp; ZONING MEETING – April 26, 2006

RE: Proposed Commercial Building at 40<sup>th</sup> & Yankee Hill Road

I am Bev Johnson, representing the Homeowners Association at the Sterling Hills Development. As a development directly across 37<sup>th</sup> Street from the proposed construction, I am here to voice our opposition to this plan. The current owners in our development have major concerns regarding the extra traffic that will be in our area, the safety of our children and grandchildren and environmental issues from the restaurants and additional vehicles that may arise. We are understandably concerned about a high volume commercial box store in our residential area and what it may do to our property valuations and re-sale of our townhomes in the future. When our homes were purchased, we were not aware of this plan and we purchased homes in this area because they were some distance from a large commercial building and restaurants.

Having said that, if the proposed development is approved. There are several concerns we feel are important and need to be addressed prior to the beginning of the construction process:

1. Our concern with their drive being across from McLaughlin Drive is that the trucks will use McLaughlin to negotiate their turn into the driveway of the shopping center. We would like to see a drive pattern determined for the shopping center that would limit truck traffic on S. 37<sup>th</sup>.
2. We would request the addition of a fence to keep the trash from blowing through the tree screen on the west side of the development. It will take several years for the trees to grow large enough to provide an adequate screen from the neighborhood. In the meantime, a fence would be useful as a screen.
3. Because of our concern for fumes and noise pollution, we would ask that there be a window of time where trucks will be allowed to deliver merchandise. We are requesting a time between 8:00 AM thru 9:00 PM.
4. There has been some concern about lighting and signage. We agree with the City and its recommendation to limit lighting on the walls facing South 37<sup>th</sup> and Grainger Pkwy.
5. We would recommend added more trees and a taller berm in addition to a fence on the west side of the development.

Bev Johnson  
Sterling Hills Homeowners Association  
1233 Infinity Court  
Lincoln, NE 68512

SUBMITTED BY ANN SIDLES ATPUBLIC HEARING BEFORE PLANNING COMMISSION: 4/26/06

USE PERMIT NO. 06004

# INTERNATIONAL DARK-SKY ASSOCIATION (IDA)

*Established in 1988 to preserve and protect the nighttime  
environment and our heritage of dark skies through quality  
outdoor lighting.*

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## Model Lighting Ordinance

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## Press release: IDA and IESNA Sign Agreement to Develop a Model Lighting Ordinance and Design Guidelines

**Meetings**

**Resources**

**Links**

The International Dark-Sky Association (IDA) and the Illuminating Engineering Society of North America (IESNA), with the approval of both boards of directors, have signed an agreement to develop a Model Lighting Ordinance (MLO) and companion Design Guidelines.

**Sections**

The MLO is intended for use by cities and municipalities that want to provide a regulatory strategy for outdoor lighting, to require outdoor lighting appropriate to communities, the environment, and natural habitat. IDA will take the lead in the development of the MLO. Design Guidelines will be developed under the lead of IESNA to provide technical background on the provisions of the MLO for design professionals to determine how to give appropriate design guidance about the MLO.

The MLO is still under development by a joint task force of both organizations. While the final Ordinance will not be available for another few months, the following information indicates the initial intent of the Ordinance.

039

Most cities are already familiar with classifying different areas into zoning districts for other regulatory purposes and the MLO will recommend *Lighting Zones (LZs)* that correspond to those districts, typically based on population and/or use type. Each LZ (from 0 to 4) will provide a recommended upper limit on the amount of light. A community could choose to assign a different LZ to the area, preferably lower, to align with its existing districts. Examples of suggested LZs are: astronomical observatories and open spaces with wildlife would be an LZ0, while commercial districts not in proximity to residential areas would be an LZ3. Certain special applications, such as prisons and large transportation facilities, would not be assigned an LZ category in the MLO but would require community and state or federal review for establishing lighting limits.

Two methods of demonstrating compliance with the MLO are offered. A *Prescriptive* method provides the allowed lumens per square foot and minimum requirements for each LZ. A *Performance* method limits the lumens emitted by an optical system and is based on a new IESNA luminaire classification system. The system will allow manufacturers to describe their products in terms of the quantity of light emitted at various angles, using a rating system easily understood by those specifying and evaluating the suitability of a particular optical system.

While the Prescriptive method is envisioned to be applicable for most LZs, the Performance method will be required for certain special applications, for LZ4 use types, and when the allowance for a site exceeds the limits of the designated LZ.

The MLO will address how, when, and where to impose curfews. It will **not** include limits on any aspect of public lighting—lighting installed for public benefit, such as within the public right of way, street and roadway lighting. Communities are, however, encouraged to evaluate and improve their public lighting systems based on the MLO.

IDA and IESNA expect to have the draft MLO completed by mid-2006. The Design Guidelines will be developed as companion to the MLO and will be issued shortly after the completion of the Ordinance.

## Contacts

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International Dark-Sky Association

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Updated 2006-02-22

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